



**GENERAL USE - COMMUNICATION, CABLE, CONDUIT USE LICENSE AND/OR FRANCHISE
APPLICATION FOR RIGHT OF WAY/CITY ASSET USE**

Name of Applicant (Company):		Date of Application:
Company Representative Name and Title:		
Mailing Address:		
Phone Number:	Applicant email:	

A general description of the communications and services that will be provided or offered by the applicant over its existing or proposed facilities:

I hereby agree I read the application form and the information provided with the application is true and correct.
Signature:

The information in this document is intended only to be a general guide to the communications, cable, and wireless license and franchise application process for the City of Mesa ("City" or "Mesa"). It provides information on some of the important issues and requirements related to license and franchise agreements which are specified in greater detail in the Mesa City Code ("MCC"), Arizona Revised Statutes ("A.R.S."), and federal law.

All applicants will be required to pay the applicable application fee set forth in Mesa's Schedule of Fees & Charges. If the complexity of a particular application requires the City to retain outside experts to assist in the review of the application, the City may require the applicant to pay all reasonably related costs for such experts.

The City, in its proprietary capacity, owns or holds a legal interest in public roads, streets and alleys and all other dedicated public rights-of-way, public utility easements, and public utilities and facilities easements, including air space of the City (collectively the "ROW"). The City is responsible for the management of the ROW within the City's boundaries.

A licensee or holder of a franchise agreement with the City is expected to be knowledgeable in the current laws impacting its license or franchise agreement. The applicant is encouraged to be familiar with all of the following, as applicable: MCC Title 9, Chapters 7, 9, and 14; the Uniform Standard Specifications and Details for Public Works Construction sponsored and distributed by the Maricopa Association of Governments; Mesa's Engineering and Design Standards; Mesa's Approved Product List and Technical Specifications; National Electric Code (NEC); National Electric Safety Code (NESC); OSHA



regulations; the FCC Guidelines for Human Exposure to Radio frequency Electromagnetic Fields (FCC OET Bulletin 65) and all other applicable radio frequency emissions laws and regulations in effect from time to time.

License Application and Renewal Process

Timeframes:

The overall timeframe for a license or franchise agreement to become effective can take as little as four months for an application that uses a pre-established template with little modification; in contrast, a complex application that undergoes multiple technical and legal reviews by both parties to develop a customized license or franchise agreement will take additional time. The following information provides a generic timeframe for planning purposes.

Initial step - application:

The application process begins by submitting in writing the information listed below as an attachment to this form. The City may waive some of the information on the below list if it is not applicable to the application being filed. If questions arise, please call Lori Greco at 480-644-2503. The completed application should be emailed to lori.greco@mesaaz.gov.

- a. The names, addresses, email addresses and telephone numbers of the applicant including those for: (i) responsible parties during the application, construction and implementation process; (ii) a 24-hour emergency telephone contact; and (iii) contact persons for right of way permits and fees, privilege license taxes, and taxpayer identification numbers.
- b. Copy of the applicant's valid Certificate of Public Convenience and Necessity issued by the Arizona Corporation Commission.
- c. Detailed statement of the business entity organization of the applicant including, but not limited to:
 1. The exact legal name of the applicant as it is specified in its charter or other organizing/creation document, as well as the state in which the applicant business entity is organized.
 2. The names and mailing addresses of any parent or subsidiary of the applicant (namely, any other business entity owning or controlling the applicant, in whole or in part) and a statement describing the nature of any such parent or subsidiary business entity.
 3. If the applicant is a partnership or limited liability company, provide the names of each partner/member, as well as their respective home and business addresses. If the applicant is a corporation, provide the names and home and business addresses of its directors, officers, major stockholders (defined as any person or entity controlling more than five percent (5%) of the ownership of the applicant) and the respective ownership share of each such person or entity.
 4. A statement setting forth all agreements and understandings, whether formal or informal, written, oral or implied, existing or proposed to exist, between the applicant and any person who proposes to have an ownership interest with respect to the proposed license or franchise agreement, the business entity, or others.
 5. Copy of the annual report or other financial information demonstrating the financial position of the company, including:
 - i. a detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year preceding the date of the application showing applicant's financial status and financial ability to complete construction and installation; and
 - ii. a letter or other acceptable evidence in writing from a recognized lending institution or funding source.
 6. For cable services, a statement setting forth a:
 - i. Schedule of the programming and other services to be offered initially;
 - ii. Schedule of all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each classification, including installation charges and cable service charges;
 - iii. Schedule of the number of channels and all the television or radio stations and/or other communication services initially proposed to be received, distributed, relayed, or otherwise conveyed over the cable system; and



- iv. Description of the cable system including the type and capacity of the cable system proposed to be constructed, installed, maintained, or operated by the applicant and the proposed location of the cable system headend, microwave dishes, towers and antennas, access facilities, and local business offices.
- d. Plan describing scope of the project/facilities, type of equipment to be installed, and other, relevant information including the following:
 1. Complete description of the end-to-end transmission medium (fiber optics, wireless, etc.) that will be used to provide the proposed telecommunications services or a complete description of the size, number and carrying capacity of conduit or duct bank systems in the event the applicant is only building such infrastructure.
 2. A preliminary schedule (including phasing) for design, installation and construction of the proposed facilities and all equipment necessary to support the system.
 3. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant, including equipment specifications.
 4. A description of any agreement with any other entity that would permit the other entity to use the facilities or equipment of the applicant.
- e. Detailed description of all previous experience of the applicant in providing the service in related or similar fields, including a statement identifying by place and date any other telecommunications/cable licenses or franchise agreements awarded to the applicant, its parent or subsidiary and the status of each license and franchise agreement.
- f. Detailed description and map indicating all areas proposed to be served and a proposed time schedule. The map must be of sufficient size and detail to identify the areas of Mesa intended to be served by the applicant. Indicate the proposed route and locations of all proposed underground and aboveground facilities. Identify excess capacity that is planned for installation within all segments of the proposed facilities. Excess capacity should be identified in terms of bandwidth, excess fiber, and excess conduit capacity.
- g. For cable service, a general five-year plan for any proposed expansion of applicant's cable service area within Mesa.
- h. Indicate whether the applicant intends to provide cable television service or other video programming service. If so, provide sufficient information to determine whether such service is subject to cable licensing or franchising requirements.
- i. Any other details, statements, information or references, pertinent to the subject matter of the application which may be required or requested by the City Manager and/or City Council, or by any other provision of law.

Second step - payment of fees:

For processing the application all applicable fees can be found listed in Mesa's Schedule of Fees & Charges. The City will not begin the licensing process until the fees are paid. An application is not considered ready for review until all the information requested is submitted and the application fee has been paid.

Third step - initial application review:

The initial application review process is estimated to take between two and four weeks for review by the Engineering, Information Technology, Transportation, and Legal Departments. This time may be extended if there are technical components that involve additional research time. After review of the application, the City's Right of Way Manager will schedule a meeting with the applicant to discuss the nature of the license or franchise request. Following the meeting, if all requirements are met, the City will create a first draft of the license or franchise agreement for the applicant's review and comments.

**Fourth step - insurance & bonds:**

The applicant must:

- a. obtain and maintain insurance of the types and in the amounts specified by the City's Risk Manager, and provide proof of such insurance as required by the City;
- b. post-performance bonds and security funds required;
- c. agree to indemnify the City, its officers, agents, boards and commissions, in a form satisfactory to the City; and
- d. agree the applicant will have no recourse whatsoever against the City, its officers, boards, commissions, agents or employees for any loss, costs, expense or damages arising out of any provision or requirement of the City in the enforcement of the license or franchise agreement, defects in the applicable MCC or the license or franchise agreement issued, or as the result of any damage that may result from the City's exercise of its rights under the license or applicable provisions of law.

Last Step – executing agreements:

After the applicant and the City agree to the license or franchise agreement language, and the various documents are in final form, the applicant will need to sign the license or franchise agreement and submit the document to the Right of Way Manager for processing. The license or franchise agreement will need to be signed before the document can be scheduled for City Council review.

All licenses and franchise agreements are subject to the review and approval of the City Council. The City requires all license and franchise agreements to first be presented to the City's Sustainability & Transportation Council Sub-Committee. The Sustainability & Transportation Council Sub-Committee can request changes, or recommend denial or approval of the license or franchise agreement to be heard by the full City Council. The Right of Way Manager will work with the applicant on the Council review schedule. Council meetings are normally scheduled every first and third Monday of the month, but may change due to holidays or other events. The City Council meeting schedule is published on Mesa's website at <http://mesaaz.gov/city-hall/advisory-boards-committees/city-council>. After Council approval, there is a thirty-day waiting period before the license or franchise agreement becomes effective and is signed by the City Engineer.

Contact Information:**Lori Greco**

Right of Way Manager
Engineering Department
P.O. Box 1466
Mesa, AZ 85211-1466

O: 480.644.2503

C: 480.277.2252

City of Mesa Business hours: M-Th 7am-6pm